

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ADAM PASTORIES,

Petitioner,

vs.

BARRY SMITH and
THE DISTRICT ATTORNEY OF
ALLEGHENY COUNTY,

Respondents.

2:21-CV-00737-CCW

MEMORANDUM ORDER

This case has been referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On January 25, 2022, the Magistrate Judge issued a Report, ECF No. 18, recommending that Respondents' Motion to Dismiss Petition for Writ of Habeas Corpus, ECF No. 15, be granted and Petitioner be denied a certificate of appealability. *See* ECF No. 18. Service of the Report and Recommendation was made on Petitioner, and he has filed Objections. *See* ECF No. 20.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following Order is entered:

IT IS HEREBY ORDERED that Respondents' Motion to Dismiss the Petition for Writ of Habeas Corpus, ECF No. 15, is GRANTED.

IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus, ECF No. 4, is DISMISSED and a certificate of appealability is DENIED.

IT IS FURTHER ORDERED that the Report and Recommendation, ECF No. 18, filed by the Magistrate Judge on January 25, 2022 is adopted as the Opinion of the Court.

The Clerk of Court shall mark this case CLOSED.

IT IS SO ORDERED.

DATED this 28th day of February, 2022.

BY THE COURT:

/s/ Christy Criswell Wiegand
CHRISTY CRISWELL WIEGAND
United States District Judge

Cc:

By ECF:
All Counsel of Record

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